

**CHAPTER NO. 789**

**HOUSE BILL NO. 3156**

**By Representative Briley**

**Substituted for: Senate Bill No. 2725**

**By Senators Haun, Cohen, Burchett, Person, Williams**

AN ACT to amend Tennessee Code Annotated, Title 44, Chapter 17, relative to the population control of dogs and cats.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Tennessee Code Annotated, Title 44, Chapter 17, is amended by adding the following new sections as a new Part 5.

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 17, is amended by adding Sections 2 through 6 inclusive of this act as a new, appropriately designated part.

SECTION 2. This act shall be known and may be cited as "The Tennessee Spay/Neuter Law."

SECTION 3. (a) No person shall adopt a dog or cat from an agency, including but not limited to an animal shelter, dog pound, animal control agency or humane shelter operated by a municipality, county, or other governmental agency within the state, or a private organization operating a shelter from which animals are adopted or reclaimed, unless:

(1) The dog or cat has already been spayed or neutered;

(2) The dog or cat has been spayed or neutered by a licensed veterinarian while in the custody of the agency; or

(3) The new owner signs a written agreement with the agency stating that the new owner will have the dog or cat spayed or neutered by a licensed veterinarian:

(A) within thirty (30) days of the date of the adoption, if such dog or cat is sexually mature; or

(B) within thirty (30) days after the dog or cat reaches six (6) months of age, if the dog or cat is not sexually mature at the time of the adoption.

(b) Nothing in this section shall preclude the spaying or neutering of a sexually immature dog or cat at the discretion of a licensed veterinarian with the consent of the new owner.

SECTION 4. (a) If the dog or cat being adopted has not been spayed or neutered, the agency shall require a deposit of not less than twenty-five dollars (\$25.00) from the new owner prior to the adoption in order to ensure that the dog or cat is spayed or neutered. The new owner may request and shall receive a refund of the deposit from the agency upon providing confirmation of the spaying or neutering.

(b) If the new owner fails to have the dog or cat spayed or neutered within the time frame established by Section 3, or if the spaying or neutering is timely performed, but the new owner fails to request the return of the deposit within an additional ten (10) days after the date by which the spaying or neutering is required to be performed, such deposit shall be forfeited to the agency holding the deposit and shall be used by the agency to conduct programs to spay or neuter dogs and cats and/or to conduct educational programs in support of the spaying and neutering of dogs and cats.

SECTION 5. If a person fails to comply with the provisions of this act, the agency may file a petition with a court of competent jurisdiction seeking compliance and/or requesting return of the dog or cat to the agency from which it was adopted.

SECTION 6. Nothing in this part shall be construed to authorize an agency to spay or neuter a dog or cat, if such dog or cat is being claimed by and returned to its lawful owner within seven (7) days of such dog or cat being taken into custody by the agency.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of the act are declared to be severable.


SECTION 8. This act shall take effect July 1, 2000, the public welfare requiring it.

**PASSED: May 11, 2000**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 22<sup>nd</sup> day of May 2000**

  
DON SUNDQUIST, GOVERNOR